

school board in Illinois discriminated against them do not have to use state administrative remedies before filing suit in federal court.

Women Meeting To Back Wallace

A group of Alabama women Monday vowed to back Guy George Wallace—either morally or physically—when he stands in the door of the University of Alabama June 10 in an attempt to thwart admission of three Negro students.

Mrs. Ronnie Woodhuff, chairman, said more than 100 women will meet on the Executive Mansion Grounds at 3 p.m. Tuesday to sign a resolution in support of the governor.

Letters and telephone calls have been received from all over Alabama and parts of northwest Florida since the local organization ran an advertisement in The Advertiser more than a week ago asking women to back Wallace, she said.

Two of the Negroes will seek to enroll on the main campus at Tuscaloosa and the other at the extension center in Huntsville. The governor has not disclosed how he intends to be in two places at one time.

1677. Advertiser

Citizens Council Meeting Called

A meeting sponsored by the Tuscaloosa County Citizens Council will be held at Holt High School Friday at 7 p.m.

Principal speakers will be C. E. Hensley Jr. of Centerville, chairman of the Citizens Councils of Alabama, and Eugene "Bull" Connor, former Birmingham police commissioner.

Handbills advertising the meeting proclaimed: "Don't let a self-appointed committee speak for you! Attend this meeting and let George Wallace know the people of Tuscaloosa are behind him!"

Wallace Enjoined; Hints His Defiance

Court Orders Negroes' Entry To University

By Helman Morlin
BIRMINGHAM, Ala., June 5 (AP) — A Federal Judge enjoined Gov. George Wallace today from physical interference with the enrollment of Negroes at the University of Alabama, but Wallace said he would take action that "involves even my personal freedom."

He can be imprisoned for as much as 10 years if he uses physical means to stop

Majority of Senate Republicans votes non-binding stand for civil rights action. Page A17.

Text of Judge Lynne's opinion. Page A10.

Whites find Jackson, Miss., "as close to Heaven as any city can get." Page A15.

Second Negro enrolls at Ole Miss. Page A9.

the Negro students next Monday.

Wallace said in a State-wide television statement tonight.

"The action that I am going to take involves even my personal freedom, but I intend to carry it out, regardless of what risk I take."

Threatens Interference

He did not elaborate. But Wallace repeatedly has said he would stand in the doorway of the University building where enrollment is scheduled to take place, and bar Vivian J. Malone and James A. Hood from entering.

In his televised address, Wallace repeatedly urged the people of Alabama to "stay home" next Monday. He appealed strongly for maintaining law and order and said "peace and tranquility must prevail."

The injunction ordering him to keep hands off the registration of the Negroes was handed down by U. S. District Judge Saybourn H. Lynne.

It specifically enjoined him from interfering with the enrollment of Miss Malone by "physically interposing his person or that of any other person under his direction or control."

Covers Second Student

An identical paragraph in the order applies to David M. McGlathery, who is scheduled to enter the University on its Huntsville campus Monday.

In his televised statement, Wallace said:

"What happens to George Wallace is not important, but what happens to constitutional government is very important."

The injunction does not prevent him from going to the campus. Nor does it stop him from demanding in the name

See ALABAMA, A14, Col. 1

of the State, that Negroes be denied enrollment.

Judge Lynne, in his memorandum opinion, commented incisively on the question of the authority of the Federal Government over a state. He wrote:

"Thoughtful people, if they can free themselves from tensions produced by established principles with which they violently disagree, must concede that the governor of a

sovereign state has no authority to obstruct or prevent the execution of the lawful orders of a court of the United States."

Judge Lynne is a native of Alabama.

The injunction against Wallace clearly is necessary, the judge said. Otherwise, "the peace and tranquility of the State would be destroyed."

The ruling did not refer to James Hood, the third Negro

orders of this court and the consequent impairment of the judicial process of the United States."

This was virtually the identical language used by assistant attorney general Burke

Marshall last Monday in arguing the case for the Department of Justice.

Precedents Cited

Lynne cited numerous precedents to support his ruling. He referred to similar decisions in the Federal courts against Gov. Ross Barnett, of Mississippi, and Gov. Orval E. Faubus, of Arkansas.

Barnett physically prevented a Negro student, James H. Meredith, from enrolling in the University of Mississippi. Meredith enrolled later. Faubus ringed a high school in Little Rock with National Guardsmen to block eight Negro children. The children were admitted after President Eisenhower federalized the guard.

The judge closed his memorandum opinion with a personal opinion. He said it was the first time he ever used "the personal pronoun in a written opinion." Then he said:

"I love the people of Alabama."

"I know that many of both races are troubled, and like Jonah of old, are 'angry even unto death' as a result of distortions of affairs within this state, practiced in the name of sensationalism."

Urges Law and Order

"My prayer is that all of our people, in keeping with our finest traditions, will join in the resolution that law and order be maintained, both in Tuscaloosa and in Huntsville."

Lynne did not specify the "distortions" and "sensationalism."

The ruling did not refer to James Hood, the third Negro



United Press International
VIVIAN MALONE
Alabama U. applicant

student who is scheduled to enroll in the University. The University announced, after the hearing before Lynne last Monday, that it would accept Hood, hence he was not included in the Justice Department's petition for an injunction.

Washington Post
Washington, D. C.
Date: 6/6/63

21

The facts developed at the brief hearing before the court on June 3, 1963, when this action was submitted upon plaintiff's prayer for a temporary injunction may be concisely stated to highlight the emerging legal questions.

Thereafter, on May 21, 1963, Judge Grooms heard a motion filed on behalf of eleven members of the Board of Trustees of such university for leave to intervene in the case of Lucy, et al v. Adams, and to modify and suspend this court's order of July 1, 1955, as interpreted on May 16, 1963. In their motion, the members of the board appearing therein represented to the court that Vivian J. Malone and David M. McMillan, each a Negro citizen of the state of Alabama and an applicant for enrollment in the university, were qualified to be enrolled under the terms of the July 1, 1955, order, but requested that implementation be delayed because of the prevailing climate of racial unrest. On May 21, 1963, Judge Grooms allowed the intervention of such trustees but denied their motion to modify and suspend the order of July 1, 1955.

The Honorable George C. Wallace, Governor of Alabama, referring to the May 21, 1963, order entered by Judge G. Lewis, has stated and reiterated publicly that he will be present to bar the entrance of any Negro who attempts to enter the Uni-



order will be maintained. Thoughtful people, if they can free themselves from tensions produced by established principles with which they violently disagree, must concede that the Governor of a sovereign state has no authority to obstruct or prevent the execution of the lawful orders of a court of the United States. No legalistic formula is required to express the craving of honest, hard working, God fearing citizens for a moral order logically supported, an attitude long ago expressed when Coke informed King James that there was a law above the king.

In the final analysis, the concept of law and order, the very essence of a Republican form of government, embraces the notion that when the judicial process of a state or Federal court, acting within the sphere of its competence,

"... In particular, to the process of the Federal court actually and properly engaged in examining and protecting an asserted Federal right, the Governor interposed the obstruction of his will; subverting the Federal authority. The assertion that such action can be taken as conclusive proof of its own necessity and must be accepted in itself due process of law has no support in the decisions of this court."

U.S. 3478, 402 (1932).
Immediately thereafter, 287
U.S. at Page 403, he antici-
pated and disposed of the con-
tention advanced in behalf of
the defendant herein that this
court is bound to stay its
hand at least until defiant
threats have ripened into ac-
tual subversion of Federal au-
thority by observing:

Authority Is Cited

(United States v. Mississippi, 7, Race Relations, Law

It clearly appears that the
seem as injunction is issued
pending submission of this
motion on the prayer for fi-
relief in a trial of the merit
the plaintiff will suffer
reparable injury result-
ing from obstruction of the la-
ful orders of this court as
the consequent impairment
of the judicial process of the
United States.

May it be forgiven if the court makes use of the personal pronoun for the first time in a written opinion to love the people of Alabama? I know that many of our races are troubled and that Jonah of old, are "angry unto death" as the result of distortions of affairs within this state, practiced in name of sensationalism.

My prayer is that all our people, in keeping with our finest traditions, will in the resolution that and order will be maintained both in Tuscaloosa, and Huntsville.

Muntsville.
This the 5th day of June
1963.

SEYBURN H. LYNN

New York Times
New York, NY
Date: 11/11

Makes TV Appeal

Governor Wallace made his second appearance in less than a week tonight on a statewide television network to call for peace at the university.

He cited the state motto, "We Dare Defend Our Rights," and asserted that by his action on Tuesday he would raise the constitutional issue of states' rights and dramatize "this omnipotent march of centralized government."

Mr. Wallace attacked the Kennedy Administration, saying the Justice Department was preparing "to send a loyal Southern Governor to jail."

"In my opinion," he said, "this is military dictatorship."

However, he told his listeners that no matter what happened, "we are not going to tolerate any violence" at the university.

"We will not tolerate any harm or desecration of this great University of Alabama on Tuesday or any day thereafter," he declared.

Cites Campaign Pledge

Mr. Wallace appeared hurried and nervous as he spoke from notes.

He said violence would help the "enemies of constitutional government."

In a reference to his campaign pledge to "Stand Up for Alabama," he said:

"I'm going to stand for you at the University of Alabama. You can stand up for Alabama and stand up for me by standing up at your home or your workbench on that day."

The Governor said by his intended action "I have kept the faith; you keep the peace."

Four hours before Mr. Wallace spoke, Dr. Frank A. Rose, the university president, told a news conference he hoped troops would not be needed to enforce the court orders.

However, he did not criticize the Governor's defiance of the courts. He said he believed the Governor's presence on the campus would be necessary to prevent disorder.

Rioting marred the first desegregation under court orders in Alabama's public education system following the admission of Autherine Lucy to the university in 1956. She was expelled after three days and the state educational system has remained completely segregated since then.

Dr. Rose referred to "great tensions and anxiety," "critical hours" and "this crisis" in a prepared statement.

"My feeling is that it is necessary for the Governor to be here with the highway patrol," he said.

"The Governor," he continued, "has assumed the responsibility for security and we are now operating the university under strict police control."

Campus Activities 'Normal'

Dr. Rose said that despite security precautions, the faculty and student body were "going about their activities normally and calmly."

A 10 P.M.-to 6 A.M. curfew was imposed yesterday for an indefinite period, leading to some grumbling among students.

Dr. Rose expressed tentative optimism over the situation.

"With the continued support of Governor Wallace and his determination for law and order, I feel confident that we can

to desegregation. However, he contended that they did not want "to see their schools closed or their university destroyed."

Dr. Rose was asked if he thought it necessary that Mr. Wallace carry out a pledge to block desegregation.

He replied that the Governor apparently felt committed to carry out the vow, which was initially made in last year's come through our crisis with dignity," he said.

He noted that a majority of white Alabamians were opposed Democratic gubernatorial primary.

The expected showdown here overshadowed the scheduled admission Thursday of a third Negro, Dave M. McGlathery, to the university's branch at Huntsville. He is a mathematician for the National Aeronautics and Space Administration at the George C. Marshall Space Flight Center in that northern Alabama city.

3d Negro to Face Opposition

Mr. Wallace has indicated that he will also seek to prevent the entry of Mr. McGlathery to a night graduate course at the Huntsville branch. The faculty and student body at the branch consist largely of employees from the missile center.

Racial animosity and resentment against the Federal Government aroused by the dispute have led to a sharp increase in the activities of racist organizations in this area.

The Tuscaloosa County Citizens' Council staged a rally in suburban Holt Friday night.

Mr. Shelton addressed a mass rally and cross-burning of the United Klans, Knights of the Ku Klux Klan of America, in an open field of this city's outskirts last night. Tuscaloosa is the national headquarters for the group.

Speakers at both meetings urged whites to remain away from the campus and to leave the defiance of the Federal court to the Governor.

However, there were thinly veiled threats of possible trouble later.


De: N. J. A. 1/53

Singer Go!
NEW YORK
Singer Robert
be married in
12 to sing.
Carol Law.

CHOICE AT
BASIC MID
MEALINGS
Open 12 ft.

1724 N. St. I
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APD
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ARS



REG. *14.20 SQ. YD.

577

- Quality Control
- Test Proven
- Practically Complete
- Resistant

Judge Lamb told both sides yesterday they could expect a ruling shortly on a motion by NAACP attorneys to dismiss the suit.

DEPARTMENT OF JUSTICE

~~CRIME RECORDS SECTION~~

Enforcement of Court Desegregation Orders

UNIVERSITY OF ALABAMA

United States v. Wallace -- 144-100-1-8

Trial Files

Briefs

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF
ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GEORGE C. WALLACE, et al.

Defendants.

CIVIL ACTION NO. 1976-N

MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION

I.

The governor of a state has no authority, by "interposition" or otherwise, to obstruct or prevent the execution of the lawful orders of a court of the United States.

Sterling v. Constantine, 287 U.S. 378,
77 L.Ed. 375, 53 S.Ct. 190 ()

Faubus v. United States, 254 F.2d 797,
(C.A. 8, 1958), cert. den. 358 U.S. 829,
3 L.Ed. 2d 68, 79 S.Ct. 49

Bush v. Orleans Parish School Board, 188 F.Supp. 916
(3-judge decision, E.D. La. 1960), stay denied
364 U.S. 500, 5 L.Ed.2d 245, 81 S. Ct. 260,
aff'd 365 U.S. 569, 5 L.Ed. 2d 806, 81 S. Ct. 754
(1961)

United States v. George C. Wallace, U.S. District Court,
Northern District of Alabama, Civil Action 63-255.

II.

The courts of the United States have statutory authority under the all-writs statute (28 U.S.C. 1651) as well as inherent power to enter such orders as may be necessary to effectuate their lawful

decrees and to prevent interference with, and obstruction to, their implementation.

United States v. Mississippi
7 Race Relations Law Reporter 1105
(C.A. 5, 1962), cert. den. 372 U.S. 916 (1963)

Faubus v. United States, supra

Toledo Scale Co. v. Commuting Scale Co., 267 U.S. 399,
67 L.Ed. 719, 43 S. Ct. 458 (1923)

Bullock v. United States, 265 F.2d 683, 691
(C.A. 6, 1959)

Bush v. Orleans Parish School Board, 188 F.Supp. 916
(E.D. La.), aff'd 365 U.S. 569, 5 L.Ed. 2d 806,
81 S.Ct. 754, and sub nom. New Orleans v. Bush,
366 U.S. 12, 6 L.Ed.2d 239, 81 S.Ct. 1091

Bush v. Orleans Parish School Board, 190 F.Supp. 861
(E.D.La.), aff'd 365 U.S. 569, 5 L.Ed.2d 806,
81 S.Ct. 754

Bush v. Orleans Parish School Board, 191 F.Supp. 871
(E.D.La.) aff'd sub. nom. Legislature of Louisiana
v. United States, 367 U.S. 908, 6 L.Ed.2d 1249,
7 L.Ed.2d 71, 81 S.Ct. 1917, 82 S.Ct. 26

Bush v. Orleans Parish School Board, 194 F.Supp. 182
(E.D. La.), aff'd 368 U.S. 11, 7 L.Ed.2d 75 and
138, 82 S.Ct. 32 and 1245.

United States v. George C. Wallace, supra

III.

The United States is a proper party to seek an injunction against unlawful interference with or obstruction to the carrying out of the orders of its courts.

United States v. Louisiana, 188 F.Supp. 916 (E.D.La.,
1960), stay denied 364 U.S. 500 (1960),
aff'd sub nom. Orleans Parish School Board
v. Bush, 365 U.S. 569 (1961), 5 L.Ed.2d 806,
81 S.Ct. 754.

Bush v. Orleans Parish School Board, 190 F.Supp. 861
(E.D.La. 1960), aff'd 365 U.S. 569, 5 L.Ed.2d 806,
81 S.Ct. 754

Dash v. Orleans Parish School Board, 191 F.Supp. 871
(E.D.La. 1961), aff'd sub. nom. Legislature of
Louisiana v. United States, 367 U.S. 908 (1961),
6 L.Ed.2d 1250, 81 S.Ct. 1925.

United States v. Mississippi, supra

Faubus v. United States, supra

United States v. George C. Wallace, supra

Respectfully submitted,

BEN HARDEMAN
United States Attorney

JOHN DOAR
Attorney - Department of Justice

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GEORGE C. WALLACE,

Defendant.

CIVIL ACTION NO. CA 63-255

FILED IN CLERK'S OFFICE
NORTHERN DISTRICT OF ALABAMA

MAY 21 1963

WILLIAM E. DAVIS
CLERK, U. S. DISTRICT COURT

MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF MOTION FOR ORDER TO SHOW CAUSE
WHY PRELIMINARY INJUNCTION SHOULD NOT ISSUE

I.

The governor of a state has no authority, by
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the execution of the lawful orders of a court of the
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Sterling v. Constantine, 287 U.S. 378,
77 L.Ed. 375, 53 S.Ct. 190 ()

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United States v. Mississippi
7 Race Relations Law Reporter 1105
(C.A. 5, 1962), cert. den. 372 U.S. 916 (1963)

Faubus v. United States, supra

Toledo Scale Co. v. Computing Scale Co., 267 U.S. 399,
67 L.Ed. 719, 43 S. Ct. 458 (1923)

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81 S.Ct. 754, and sub nom. New Orleans v. Bush,
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81 S.Ct. 754.

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Louisiana v. United States, 367 U.S. 908 (1961),
6 L.Ed.2d 1250, 81 S.Ct. 1925.

United States v. Mississippi, supra

Faubus v. United States, supra

Respectfully submitted,

MACON L. WEAVER
United States Attorney

ST. JOHN BARRETT
Attorney
Department of Justice

DEPARTMENT OF JUSTICE

~~UNIVERSITY OF ALABAMA~~

Enforcement of Court Desegregation Orders

UNIVERSITY OF ALABAMA

United States v. Wallace -- 144-100-1-8

Trial Files

Legal Research

*U.S. v. Wallace
Legal research*

5-29-63

MEMORANDUM OF AUTHORITIES

On question of proper venue on Request For Injunction vs. George C. Wallace.

- I. An equitable action in aid of a prior decision is an "ancillary" action and needs no independent federal jurisdictional grounds.

Doanville Associates, Inc. v. Lojoy Corp.
181 F.2d 5 (C.A. 5th, 1950), citing with approval South Dakota Cent. Ry. Co. v. Continental & Commercial Trust and Savings Bank, 255 F 941 (C.A. 8) and cases cited which include Campbell v Golden Cycle Mining Co. 141 F 610 (C.A. 8, 1905) and Ferguson v. Omaha & S.W.R. Co. 227 F 513 (CA 8, 1915)

See also:

Minnesota Co. v St. Paul Co. 2 Wall. 603634; *BRUN* Burns v Mann 151 F 115 (CA 8)

- II. ~~That is~~ In an ancillary action, venue follows the venue of the main action.

Moore's Fed. Practice, Par 0.140 (8) p. 1341; Par 6638, p639.
W. V. Oil & Gas Co. v George E. Breace Lbr. Co. 213 F 2d 702 (C.A. 5, 1954)
Lesnik v Public Industrials Corp. 141 F 2d 968 (C.A. 2nd, 1944)
Dickey v. Turner 49 F 2d 998 (C.A. 6, 1931)

Note: There is some authority to the contrary as cited by Moore ⁸⁸ footnotes to paragraphs set out above, but Moore feels these cases are distinguishable.

eg: Balfield v. Zoultz + Mc + Lusk Co. 4 F2d 204, (N.D. Ohio, 1924)

Thompson v. Terminal Omaha, 144 F2d 1, 1 (Ct 8 1942)

Pearce RR v. Missouri 3 F 772 (CC ED Mo, 1854)

DEPARTMENT OF JUSTICE

~~CIVIL RIGHTS DIVISION~~

Enforcement of Court Desegregation Orders

UNIVERSITY OF ALABAMA

United States v. Wallace -- 144-100-1-B

Trisl Files

Subpoena

United States District Court

FOR THE

Northern District of Alabama

Western Division

NOTE: The attorney who requested your attendance on a subpoena is responsible for any fees.

UNITED STATES OF AMERICA,

Plaintiff,

CIVIL ACTION FILE NO. CA 63-255

vs.

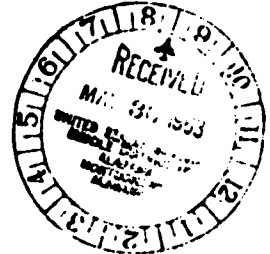
No.

GEORGE C. WALLACE,

Defendant.

To

MR. HUGH SMITH
GENERAL MANAGER
STATION WCOV - RADIO & TELEVISION
MONTGOMERY, ALABAMA



YOU ARE HEREBY COMMANDED to appear in the United States District Court for the
NORTHERN District of ALABAMA
at Courthouse #1, Post Office Bldg. in the city of BIRMINGHAM, ALABAMA on
the 3rd day of JUNE 19 63 at 10:00 o'clock A. M. to
testify on behalf of Plaintiff

in the above entitled action and bring with you : Any audio tapes or other sound transcripts
of a news conference held by George C. Wallace on May 21, 1963, in Montgomery, Alabama.

May 29, 19 63

WALTON L. WEAVER, United States Attorney
Attorney for Plaintiff
Birmingham, Alabama
Address

By William M. Parker, Jr. Clerk.
Deputy Clerk.

RETURN ON SERVICE

Received this subpoena at Montgomery, Alabama. on May 30, 1963
and on May 30, 1963 at WCOV-TV at 10:35 am
served it on the within named Mr. Hugh Smith
by delivering a copy to him ~~and attending to the fee for his day's attendance and the mileage~~
~~allowed by law.~~

Dated: _____, 19____

William M. Parker, Jr.
United States Marshal.
By William M. Parker, Jr.

Service Fees
Travel _____\$ 2.76
Services _____ 2.00
Total _____\$ 4.76

Subscribed and sworn to before me, a
day of _____, 19____

this

* Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the United States or an officer or
agency thereof. 28 USC 1825.

NOTE.—Affidavit required only if service is made by a person other than a United States Marshal or his deputy.

United States District Court

FOR THE
NORTHERN DISTRICT OF ALABAMA WESTERN DIVISION

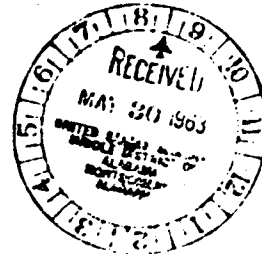
CIVIL ACTION FILE No. CA 63-255

UNITED STATES OF AMERICA,
Plaintiff,
vs.
GEORGE C. WALLACE,
Defendant.

No.

To

MR. CHARLES H. COX
NEWS DIRECTOR
STATION WSFA - TV
MONTGOMERY, ALABAMA



YOU ARE HEREBY COMMANDED to appear in the United States District Court for the
NORTHERN District of ALABAMA on
at COURTHOUSE #1, POST OFFICE BLDG. in the city of BIRMINGHAM
the 3rd day of JUNE 19 63 at 10:00 o'clock A. M. to
testify on behalf of Plaintiff

In the above entitled action and bring with you : Any written statements or news releases in
your possession, custody or control, made or issued by George C. Wallace on May 21, 1963.

May 29, 19 63
Macon L. Weaver, United States Attorney
Attorney for Plaintiff
Birmingham, Alabama
Address

WILLIAM E. DAVIS

By Lister H. Jones Clerk.
Deputy Clerk.

RETURN ON SERVICE

Received this subpoena at Montgomery, Alabama, on May 30, 1963.
and on May 30, 1963 at WSFA-TV at 2pm.
served it on the within named Mr Charles C. Cox
by delivering a copy to him and tendering to him the fee for one day's attendance and the mileage
allowed by law.

William M. Parker, Jr.
United States Marshal.

By William M. Parker, Jr.

Dated: _____, 19____

Service Fees
Travel _____\$
Services _____ 2.00
Total _____\$ 2.00

Subscribed and sworn to before me, a
day of _____, 19____

this

* Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the United States or an officer or
agency thereof. 28 USC 1825.
NOTE.—Affidavit required only if service is made by a person other than a United States Marshal or his deputy.

THE PARTY ON WHOSE BEHALF YOU ARE EXPECTED TO TESTIFY, IS
RESPONSIBLE FOR YOUR WITNESS FEE, AND NOT THE CLERK OF THIS COURT.

United States District Court

FOR THE

Northern District of Alabama

NOTE: The attorney who requested your attendance as a witness is responsible for payment of attendance fees.
Western Division

CIVIL ACTION FILE NO. CA 63-255

UNITED STATES OF AMERICA,

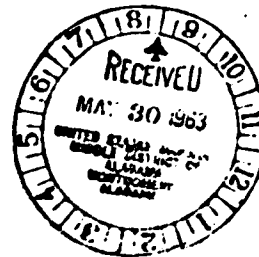
Plaintiff,

vs.

GEORGE C. WALLACE,

Defendant.

No.



To

MR. RAY BUTTS
NEWS AND PROGRAM DIRECTOR
STATION WCOV
MONTGOMERY, ALABAMA

YOU ARE HEREBY COMMANDED to appear in the United States District Court for the
NORTHERN District of ALABAMA
at COURTHOUSE #1, POST OFFICE BLDG. in the city of BIRMINGHAM on
the 3rd day of JUNE 19 63 at 10:00 o'clock A. M. to
testify on behalf of PLAINTIFF

In the above entitled action and bring with you: Any written statements or news releases in
your possession, custody, or control, made or issued by George C. Wallace on May 21, 1963.

May 29 1963
MAGON L. WEAVER, United States Attorney
Attorney for Plaintiff
Birmingham, Alabama
Address

By McClair Clerk.
Deputy Clerk.

RETURN ON SERVICE

Received this subpoena at Montgomery, Alabama. on May 30, 1963
and on May 30, 1963 at WCOV-TV at 9:40am
served it on the within named Mr. Ray Butts
by delivering a copy to him and tendering to him the fees for my attendance and the mileage
allowed by law.

William M. Parker, Jr.
United States Marshal.

By William M. Parker, Jr.

Dated: _____, 19____

Service Fees

Travel _____\$

Services _____ 2.00

Total _____\$ 2.00

Subscribed and sworn to before me, a

day of _____, 19____

this

* Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the United States or an officer or
agency thereof. 28 USC 1825.

NOTE.—Affidavit required only if service is made by a person other than a United States Marshal or his deputy.

DEPARTMENT OF JUSTICE

~~CONFIDENTIAL~~

Enforcement of Court Desegregation Orders

UNIVERSITY OF ALABAMA

Confrontation at University

Department of Justice File

144-100-1-8

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA

FILED
EHB
JUN 17 1963

UNITED STATES OF AMERICA,
Plaintiff,

v.

GEORGE C. WALLACE,
Defendant.

CIVIL ACTION NO. 63-255

CA 63-255

FILED IN CLERK'S OFFICE
NORTHERN DISTRICT OF ALABAMA

MAY 24 1963

WILLIAM E. DAVIS
CLERK, U. S. DISTRICT COURT

MOTION FOR ORDER TO SHOW CAUSE By
WHY PRELIMINARY INJUNCTION SHOULD NOT ISSUE Deputy Clerk

Plaintiff moves the Court for an order requiring the
defendant to show cause, if any he has, why a preliminary
injunction should not issue pending a trial and decision
on the merits in this action.

This motion is based upon the averments of fact
contained in the plaintiff's verified complaint and upon
a memorandum of points and authorities attached hereto.

HACON L. WEAVER
United States Attorney

ST. JOHN BARRETT, Attorney
Department of Justice

1-14-100-1-7
JUN 10
RECEIVED

FILED
HP
JUN 4 1963

#13,440

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA DOCKETED

MAY 31 1963

UNITED STATES OF AMERICA,
Plaintiff,

v.

GEORGE C. WALLACE,
Defendant.

CIVIL ACTION
NO. _____

DAI SEARCHED

See DJFile

Docket No. _____

COMPLAINT

The United States, as a claim against the defendant, alleges:

1. This action is brought by the United States in its sovereign capacity to safeguard the due administration of justice in its courts and the integrity of its judicial process.

2. This Court has jurisdiction of this action under 28 U.S.C. 1345.

3. George C. Wallace is Governor of the State of Alabama and, as such, has taken an oath to support the Constitution of the United States. He resides in Montgomery, Alabama.

4. The University of Alabama is an institution of higher learning, maintained and operated by the State of Alabama. It is administered by a Board of Trustees

INDEXED ON

FILED
DEPT. OF JUSTICE
RECORDS BRANCH

144-100-1-8
DEPARTMENT OF JUSTICE
10 MAY 27 1963
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consisting of twelve members. The Governor of the State of Alabama is an ex officio member of the Board of Trustees.

5. On July 1, 1955, this Court entered its order in the case of Autherine J. Lucy, et al. v. William F. Adams, No. 652, permanently enjoining the Dean of Admissions of the University of Alabama from denying Negroes the right to enroll in the University and pursue courses of study thereat solely on account of their race or color.

6. On May 16, 1963, this Court, upon application of Vivian J. Malone, a Negro citizen of Alabama, and certain others, entered an order determining that the Court's order of July 1, 1955, in the case of Autherine J. Lucy, et al. v. William F. Adams, No. 652, was still in full force and effect, and that Negroes with applications pending for enrollment in the University of Alabama could apply to this Court for enforcement of the order of July 1, 1955.

7. On May 21, 1963, this Court heard a motion filed on behalf of eleven of the members of the Board of Trustees of the University of Alabama for leave to intervene in the case of Autherine J. Lucy, et al. v. William F. Adams, and to modify and suspend this Court's order of July 1, 1955 as construed on May 16, 1963. In their motion the members of the Board represented that Vivian J. Malone and David M. McGlathery, each a Negro citizen of the State of Alabama and an applicant for enrollment in the University, were qualified to be enrolled under the

terms of this Court's order of July 1, 1955, but requested that implementation of that order be delayed with respect to their admission to the University because of an alleged state of unrest in racial relations in the State of Alabama. The Court, on May 21, 1963, allowed said members of the Board of Trustees to intervene and denied the motion to modify and suspend the order of July 1, 1955.

8. Vivian J. Malone and David M. McGlathery are entitled to be enrolled in and to attend the University of Alabama pursuant to and under the terms of this Court's orders of July 1, 1955, May 16, 1963, and May 21, 1963, in the case of Autherine J. Lucy, et al. v. William F. Adams.

9. On May 21, 1963, following the entry of the order described in paragraph 7, George C. Wallace publicly stated that he would bar the entrance of any Negro who attempts to enroll in the University of Alabama pursuant to the order of this Court. The full text of the written statement of George C. Wallace, as released to the press on May 21, 1963, is attached as an appendix to this complaint.

10. Unless restrained by order of this Court, George C. Wallace will attempt to prevent the enrollment and attendance of Vivian J. Malone and David M. McGlathery and other qualified Negro applicants in the University of Alabama, and will thereby interfere with and obstruct the carrying out of the lawful orders of this Court.

11. Unless an injunction is issued, the plaintiff will suffer immediate and irreparable injury, consisting of the impairment of the integrity of its judicial process, the obstruction of the due administration of justice, and the deprivation of rights under the Constitution and laws of the United States.

WHEREFORE, plaintiff respectfully prays that this Court issue a preliminary injunction during the pendency of this action, and a permanent injunction after trial, enjoining the defendant, his agents, employees, subordinates and successors, together with all persons in active concert or participation with them or any of them, from:

- (a) preventing or seeking to prevent, or interfering in any way with, the enrollment and attendance of Vivian J. Malone and David M. McGlathery at the University of Alabama;
- (b) obstructing or interfering with, by any means or in any manner, the implementation of this Court's orders of July 1, 1955, May 16, 1963, and May 21, 1963, in the case of Autherine J. Lucy, et al. v. William F. Adams, No. 652, and
- (c) otherwise obstructing or interfering with the due administration of justice by the courts of the United States within the State of Alabama.

Plaintiff further prays that the Court grant such additional relief as the interests of justice may require.

ROBERT F. KENNEDY
Attorney General

BURKE MARSHALL,
Assistant Attorney General

MACON L. WEAVER
United States Attorney

ST. JOHN BARRETT, Attorney
Department of Justice

VERIFICATION

St. John Barrett, being first duly sworn, says:

I am an attorney with the Department of Justice and
am one of the counsel for the plaintiff in the above action.
I am familiar with the contents of the foregoing complaint
and all of the allegations of fact which it contains are
true to the best of my knowledge, information and belief.

Subscribed and sworn to before
me this of May, 1963.

APPENDIX

Federal Judge H. H. Grooms has today issued a ruling which orders the University of Alabama to admit certain Negroes. This is another example of unwarranted interference by some Federal courts with the internal affairs of this state and I resent and reject this new assault upon the liberty and freedom of the people of the State of Alabama and of the nation. Some Federal courts no longer concern themselves with the basic guarantees which the basic framers of the Constitution felt could best be protected by reserving powers to the people to be exercised only through their state government. They have gone to ridiculous extremes to impose an unjust, unworkable, unconstitutional social experiment on the people of this country while blindly ignoring the rights of the white citizens. We must resist these actions which, if left unchallenged, can only lead to the destruction of freedom. If we do not resist we need only to look to the public schools of Washington, D.C. to learn the fate of our public school system. I believe the American people are fast awakening to the perils of the Federal courts enforcing a social ideology instead of the Constitution of the United States.

The probability of Judge Grooms' ruling as he did today was discussed with me by the members of the Board of Trustees in my office. At that time the Board voted to admit the Negroes in the event Judge Grooms ruled in their favor and refused to stay his order pending an appeal. I voted against the admission of any Negroes under any circumstances and urged the Board to appeal any such decision. The ruling of Judge Grooms will be appealed.

The Federal court would not hesitate to jail, imprison and inflict severe punishment against any lesser official than the governor of this state and this, of course, includes trustees and other officials of the University of Alabama. The obligations to protect the tradition and sovereignty of this state is my obligation and will be fulfilled by me.

As Governor I am the highest constitutional officer of the State of Alabama. I embody the sovereignty of this state and I will be present to bar the entrance of any Negro who attempts to enroll in the University of Alabama.

There are legal questions which have not been raised and I intend to raise them. The constitutional standing that I possess as Governor and as the direct representative of the people of this state will be tested. I intend to continue to fight to preserve the integrity of the Constitution of the United States. I intend to keep my covenant with the people of the State of Alabama.

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA

DOCKETED

MAY 29 1963

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
GEORGE C. WALLACE,)
)
Defendant.)
_____)

CIVIL ACTION NO. _____

MOTION FOR ORDER TO SHOW CAUSE
WHY PRELIMINARY INJUNCTION SHOULD NOT ISSUE

Plaintiff moves the Court for an order requiring the defendant to show cause, if any he has, why a preliminary injunction should not issue pending a trial and decision on the merits in this action.

This motion is based upon the averments of fact contained in the plaintiff's verified complaint and upon a memorandum of points and authorities attached hereto.

MACON L. WEAVER
United States Attorney

ST. JOHN BARRETT, Attorney
Department of Justice

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA

UNITED STATES OF AMERICA,
Plaintiff,

v.

GEORGE C. WALLACE,
Defendant.

CIVIL ACTION
NO. _____

ORDER TO SHOW CAUSE
WHY A PRELIMINARY INJUNCTION
SHOULD NOT ISSUE

This Court having entered an order on July 1, 1955 in the case of Autherine J. Lucy, et al. v. William F. Adams, No. 652, enjoining the defendant in that case for denying Negroes the right to enroll in the University of Alabama and pursue courses of study thereat solely on account of their race and color; this Court having entered a further order in the same case on May 21, 1963 requiring the admission to the University of Alabama of Vivian J. Malone and David M. McGlathery, each a Negro citizen of the State of Alabama, and

It appearing from the verified complaint of the United States filed herein that on May 21, 1963, George C. Wallace, Governor of the State of Alabama, made a public statement that he would bar the enrollment of

Vivian J. Malone and David M. McGlathery in the University of Alabama pursuant to the orders of this Court, and that such action by George C. Wallace, if carried out, would cause immediate and irreparable injury to the United States consisting of the impairment of the integrity of its judicial process and the obstruction of the due administration of justice,

IT IS ORDERED that George C. Wallace appear before this Court in its courtroom in the United States Post Office and Courthouse, Birmingham, Alabama, on _____, 1963 at _____ .m. to show cause, if any he has, why a preliminary injunction should not be issued as prayed for in the plaintiff's complaint.

The Marshal shall serve a copy of this order on George C. Wallace forthwith.

Signed this May _____, 1963.

United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

GEORGE C. WALLACE,)

Defendant.)

CIVIL ACTION NO. _____

MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF MOTION FOR ORDER TO SHOW CAUSE
WHY PRELIMINARY INJUNCTION SHOULD NOT ISSUE

I.

The governor of a state has no authority, by "interposition" or otherwise, to obstruct or prevent the execution of the lawful orders of a court of the United States.

Sterling v. Constantine, 287 U.S. 378,
77 L.Ed. 375, 53 S.Ct. 190 ()

Faubus v. United States, 254 F.2d 797,
(C.A. 8, 1958), cert. den. 358 U.S. 829,
3 L.Ed. 2d 68, 79 S.Ct. 49

Bush v. Orleans Parish School Board, 188 F.Supp. 916
(3-judge decision, E.D. La. 1960), stay denied
364 U.S. 500, 5 L.Ed.2d 245, 81 S. Ct. 260,
aff'd 365 U.S. 569, 5 L.Ed. 2d 806, 81 S. Ct. 754
(1961)

II.

The courts of the United States have statutory authority under the all-writs statute (28 U.S.C. 1651) as well as inherent power to enter such orders as may be

necessary to effectuate their lawful decrees and to prevent interference with, and obstruction to, their implementation.

United States v. Mississippi
7 Race Relations Law Reporter 1103
(C.A. 5, 1962), cert. den. 372 U.S. 916 (1963)

Faubus v. United States, supra

Toledo Scale Co. v. Computing Scale Co., 267 U.S. 399,
67 L.Ed. 719, 43 S. Ct. 458 (1923)

Bullock v. United States, 265 F.2d 683, 691
(C.A. 6, 1959)

Bush v. Orleans Parish School Board, 188 F.Supp. 916
(E.D. La.), aff'd 365 U.S. 569, 5 L.Ed. 2d 806,
81 S.Ct. 754, and sub nom. New Orleans v. Bush,
366 U.S. 12, 6 L.Ed.2d 239, 81 S.Ct. 1091

Bush v. Orleans Parish School Board, 190 F.Supp. 861
(E.D.La.), aff'd 365 U.S. 569, 5 L.Ed.2d 806,
81 S.Ct. 754

Bush v. Orleans Parish School Board, 191 F.Supp. 871
(E.D.La.) aff'd sub. nom. Legislature of Louisiana
v. United States, 367 U.S. 908, 6 L.Ed.2d 1249,
7 L.Ed.2d 71, 81 S.Ct. 1917, 82 S.Ct. 26

Bush v. Orleans Parish School Board, 194 F.Supp. 182
(E.D. La.), aff'd 368 U.S. 11, 7 L.Ed.2d 75 and
138, 82 S.Ct. 32 and 1245.

III.

The United States is a proper party to seek an injunction against unlawful interference with or obstruction to the carrying out of the orders of its courts.

United States v. Louisiana, 188 F.Supp. 916 (E.D.La.,
1960, stay denied 364 U.S. 500 (1960),
aff'd sub nom. Orleans Parish School Board
v. Bush, 365 U.S. 569 (1961), 5 L.Ed.2d 806,
81 S.Ct. 754.

Bush v. Orleans Parish School Board, 190 F.Supp. 861
(E.D.La. 1960), aff'd 365 U.S. 569, 5 L.Ed.2d 806,
81 S.Ct. 754

Bush v. Orleans Parish School Board, 191 F.Supp. 871
(E.D.La. 1961), aff'd sub. nom. Legislature of
Louisiana v. United States, 367 U.S. 908 (1961),
6 L.Ed.2d 1250, 81 S.Ct. 1925.

United States v. Mississippi, supra

Faubus v. United States, supra

Respectfully submitted,

MACON L. WEAVER
United States Attorney

ST. JOHN BARKETT
Attorney
Department of Justice

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF ALABAMA, WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff

vs.

GEORGE C. WALLACE,

Defendant

CIVIL ACTION

NO. 63 - 255

6-5-63
FILED IN CLERK'S OFFICE
NORTHERN DISTRICT OF ALABAMA

JUN 5 1963

WILLIAM E. DAVIS
CLERK, U. S. DISTRICT COURT
W. E. Davis
Deputy Clerk

J U D G M E N T

*File Dec
By 1/5/63
144-103-1-8*

In conformity with and pursuant to the memorandum opinion of the court contemporaneously filed herein, it is hereby ORDERED, ADJUDGED and DECREED by the court that George C. Wallace, together with his agents, employees, subordinates, successors and all persons in active concert or participation with them or any of them, be and they are hereby enjoined preliminarily pending the final determination of this action, from:

- (a) Preventing, blocking or interfering with, by physically interposing his person or that of any other person under his direction or control, the entry of Vivian J. Malone to the campus or any part of the campus of the University of Alabama at Tuscaloosa, Alabama on June 10, 1963, or any day thereafter, for the purpose of enrollment as a student at the University of Alabama;
- (b) Preventing, blocking or interfering with, by physically interposing his person or that of any other person under his direction or control, the entry of David H. McGlathery to the campus or any part of the campus of the University of Alabama Extension Center at Huntsville, Alabama on June 10, 1963, or
- 144-103-1-8*

any day thereafter, for the purpose of enrollment as a student at the University of Alabama; and

(c) Preventing, or seeking to prevent, by any means, the enrollment or attendance at the University of Alabama of any person entitled to enroll in or attend the University pursuant to the order of this court of July 1, 1955 in the case of Lucy, et al v. Adams, Civil Action No. 652.

Done, this the 5th day of June, 1963.

Seybourn H. Lynne

JUDGE

A TRUE COPY
WILLIAM E. DAVIS, CLERK
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
BY *Jewel M. Massey*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF ALABAMA, WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff

vs.

GEORGE C. WALLACE,

Defendant

CIVIL ACTION

NO. 53 - 255

FILED IN CLERK'S OFFICE
NORTHERN DISTRICT OF ALABAMA

JUN 5 1963

WILLIAM E. DAVIS
CLERK, U. S. DISTRICT COURT
William E. Davis
Deputy Clerk

MEMORANDUM OPINION

The facts developed at the brief hearing before the court on June 3, 1963, when this action was submitted upon plaintiff's prayer for a temporary injunction may be concisely stated to highlight the emerging legal questions.

On July 1, 1955, Judge W. H. Grooms entered an order of this court in the case of Lucy, et al v. Adams (C.A. 652-11), permanently enjoining the Dean of Admissions of the University of Alabama from denying Negroes the right to enroll therein and pursue courses of study thereat solely on account of their race or color. In supplemental proceedings, upon application of Vivian J. Malone and certain other Negro citizens of Alabama, Judge Grooms, on May 16, 1963, entered an order determining that the court's order of July 1, 1955, was still in force and effect; that it was binding upon Hubert E. Mate, who succeeded William F. Adams as Dean of Admissions, and that Negroes with pending applications for enrollment in such University could apply to this court for enforcement of the order of July 1, 1955.

Thereafter, on May 21, 1963, Judge Grooms heard a motion filed on behalf of eleven members of the Board of Trustees of such University for leave to intervene in the case of Lucy, et al v. Adams, and to modify and suspend this court's order of July 1, 1955, as interpreted on May 16, 1963. In their motion, the members of the Board

114-160-1-8

appearing therein represented to the court that Vivian J. Malone and David W. McGlathery, each a Negro citizen of the State of Alabama and an applicant for enrollment in the University, were qualified to be enrolled under the terms of the July 1, 1955, order, but requested that implementation be delayed because of the prevailing climate of racial unrest. On May 21, 1963, Judge Grooms allowed the intervention of such Trustees but denied their motion to modify and suspend the order of July 1, 1955.

The Honorable George C. Wallace, Governor of Alabama, referring to the May 21, 1963, order entered by Judge Grooms, has stated and reiterated publicly that he will be present to bar the entrance of any Negro who attempts to enroll in the University of Alabama. He has also pledged that law and order will be maintained.

Thoughtful people, if they can free themselves from tensions produced by established principles with which they violently disagree, must concede that the governor of a sovereign state has no authority to obstruct or prevent the execution of the lawful orders of a court of the United States. No legalistic formula is required to express the craving of honest, hard working, God fearing citizens for a moral order logically supported, an attitude long ago expressed when Coke informed King James that there was a law above the King.

In the final analysis, the concept of law and order, the very essence of a republican form of government, embraces the notion that when the judicial process of a state or federal court, acting within the sphere of its competence, has been exhausted and has resulted in a final judgment, all persons affected thereby are obliged to obey it.

More than three decades ago, Chief Justice Hughes, writing for a unanimous court, declared:

"... In particular, to the process of the federal court actually and properly engaged in examining and protecting an

asserted federal right, the Governor interposed the obstruction of his will, subverting the federal authority. The assertion that such action can be taken as conclusive proof of its own necessity and must be accepted as in itself due process of law has no support in the decisions of this Court."

Sterling v. Constantin, 287 U.S. 378, 402 (1932).

Immediately thereafter, 287 U.S. at page 403, he anticipated and disposed of the contention advanced in behalf of the defendant herein that this court is bound to stay its hand at least until defiant threats have ripened into actual subversion of federal authority by observing:

"The argument of appellants intimates, while it reserves the question, that it may be possible for the courts to call upon the Governor, after the alleged emergency has passed, to account for what he has done, but that they may not entertain a proceeding for injunction. The suggestion confuses the question of judicial power with that of judicial remedy. If the matter is one of judicial cognizance, it is because of an alleged invasion of a right, and the judicial power necessarily extends to the granting of the relief found to be appropriate according to the circumstances of the case."

Too well settled in the law to admit of persuasive arguments to the contrary are the twin propositions that the courts of the United States have statutory authority under 28 U.S.C.A. §1651 as well as inherent power to enter such orders as may be necessary to effectuate their lawful decrees and to prevent interference with, and obstruction to, their implementation, and that the United States has standing to seek the injunctive relief for which it prays.

United States v. Mississippi, 7 Race Relations Law Reporter 1105 (5th Cir. 1962), cert. den. 372 U.S. 916 (1963);
Faubus v. United States, 254 F.2d 797 (8th Cir. 1958), cert. den. 358 U.S. 829;
Toledo Scale Co. v. Computing Scale Co., 267 U.S. 399;
Bullock v. United States, 265 F.2d 683, 691 (6th Cir. 1959);
Bush v. Orleans Parish School Board, 188 F.Supp. 916 (E.D. La.), aff'd 365 U.S. 569, and sub nom. New Orleans v. Bush, 366 U.S. 212;
Bush v. Orleans Parish School Board, 190 F. Supp. 861 (E.D. La.), aff'd 365 U.S. 569;

Bush v. Orleans Parish School Board, 191 F.Supp.871
(E.D. La.), aff'd sub. nom. Legislature of
Louisiana v. United States, 367 U.S. 908;
Bush v. Orleans Parish School Board, 194 F.Supp.182
(E.D. La.), aff'd 368 U.S. 11.

It clearly appears that unless an injunction is issued pending submission of this action on the prayer for final relief in a trial on the merits, the plaintiff will suffer irreparable injury resulting from obstruction to the lawful orders of this court and the consequent impairment of the judicial process of the United States.

May it be forgiven if this court makes use of the personal pronoun for the first time in a written opinion. I love the people of Alabama. I know that many of both races are troubled and, like Jonah of old are "angry even unto death" as the result of distortions of affairs within this State, practiced in the name of sensationalism. My prayer is that all of our people, in keeping with our finest traditions, will join in the resolution that law and order will be maintained, both in Tuscaloosa and in Huntsville.

This the 5th day of June, 1963.

Seybourn H. Lynne

JUDGE

A TRUE COPY
WILLIAM E. DAVIS, CLERK
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA.
BY: *David M. Massey*
DEPUTY CLERK

UNIVERSITY OF ALABAMA
University, Alabama

Office of The Treasurer
and Business Manager
W. E. Pickens, Jr.

RECEIVED

JUN 18 1963

June 4, 1963

U.S. DEPT. OF JUSTICE

ALL MEMBERS OF FACULTY AND STAFF

As you have been informed by President Rose, the Main Campus will be closed to automobile traffic beginning on Saturday, June 8. For your information, I am listing below the plans for parking automobiles off the campus.

(1) Students residing on the campus, other than married students in the Riverside Apartments, may not bring their automobiles on the campus. A limited number of parking spaces will be available for students on the east half of the Verner School grounds, the Natatorium parking area and in the Smith Woods area, on the streets and in the wooded area. When these parking spaces are filled students will park their automobiles on the City streets adjoining the campus, subject to the "No Parking" signs and other regulations established by the City of Tuscaloosa.

(2) Faculty and students residing off the campus are strongly urged not to bring their automobiles in the University section. It would be helpful if they could arrange to be driven to the campus and their automobiles returned home in order to reduce parking problems on the perimeter of the campus.

A limited number of parking spaces will be reserved for the faculty in the following areas:

- a. The unpaved section of the northwest corner on the Verner School grounds, which is directly in front of the school.
- b. The two church parking areas located on 10th Street and 11th Avenue.

When these reserved areas are filled the faculty may park their automobiles on the City streets adjoining the campus subject to the "No Parking" signs and other regulations established by the City of Tuscaloosa.

The reserved areas for the faculty and students, and the City streets around the perimeter of the campus will be under the direction of the City Police Department.

(3) All automobiles carrying Blue Decals will be admitted to the campus at the following Check Points:

- Check Point No. 4 - Intersection at 10th Avenue and University Avenue (Traffic Light).
- Check Point No. 22 - Hackberry Lane and University Avenue (Traffic Light).
- Check Point No. 29 - Colonial Drive and 10th Street (Traffic Light).

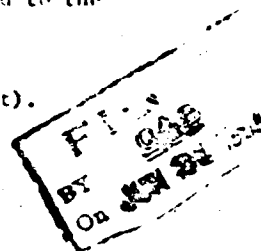
These automobiles should park in the parking areas in the rear of Midgood Hall (Commerce Building), Woods Hall and east of the Physics-Biology Buildings.

Faculty and students will use these same Check Points for pedestrian entry and exit to and from the campus.

W. E. Pickens Jr.

W. E. Pickens, Jr.
Treasurer and Business Manager

WEPJr./fwm



UNIVERSITY OF ALABAMA
UNIVERSITY, ALABAMA

As a student of the University of Alabama for the 1963 Summer Session, I recognize the necessity for instituting more stringent regulations governing student conduct during this period of potential crises, and I hereby agree to abide by all such regulations as University of Alabama authorities may deem necessary for the maintenance of the institution's academic integrity and to insure maximum personal safety and security of all concerned.

In keeping with the finest traditions of the University and with the full knowledge and understanding of the necessity for this action, I pledge to refrain from any conduct which would in any fashion contribute to disorder. I shall at all times conduct myself in such manner as to avoid all activities which would be in conflict with the high standards expected of University of Alabama students.

I certify that I do not now have in my possession firearms or other types of weapons, and further certify that I shall avoid having such in my possession for the duration of these special security measures.

I hereby agree to refrain from all gratuitous service or employment in the role of reporter (stringer) or photographer for news media (Crimson White excepted) until such time as specific administrative approval is granted for these purposes by the University News Center located at 2209 - 5th Street, Tuscaloosa.

Furthermore, I understand that a breach of this pledge on my part which is found to be in violation of the high standards set for University students may subject me to severe disciplinary measures.

ID Card No. _____

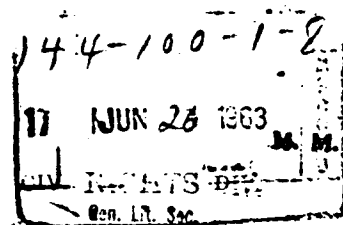
Signed: _____

The White House
Washington

173 JUN 17 PM 8 31

VA316 PD

FAX MONTGOMERY ALA JUN 17 327P CST
THE PRESIDENT



THE WHITE HOUSE

I CAN AND WILL GUARANTEE THAT THERE WILL BE NO SUSTAINED VIOLENCE
IN THE STATE OF ALABAMA, BUT WITH OUR LIMITED RESOURCES, PHYSICAL
AND FINANCIAL, ALABAMA CANNOT INSURE ABSOLUTELY THE PERSONAL
SAFETY OF INDIVIDUAL STUDENTS. SURELY YOU REALIZE THAT A CONTINUOUS
CAUSE OF THE TENSION IN ALABAMA IS THE PRESENCE OF THE THREE NEGRO
STUDENTS ON THE CAMPUSES OF THE UNIVERSITY, AND I SUGGEST THAT

YOU IMMEDIATELY SECURE THEIR WITHDRAWAL.

YOUR PUBLIC STATEMENT THAT UNLESS THE DEMANDS OF NEGRO AGITATORS ARE MET, NEGROES WILL RETURN TO THE STREETS, IS AN OPEN INVITATION TO VIOLENCE AND HAS WORSENERED AN ALREADY DANGEROUS SITUATION THROUGHOUT THE NATION.

THE STATE OF ALABAMA HAS PRESERVED LAW AND ORDER ON THE CAMPUSES OF THE UNIVERSITY OF ALABAMA UNDER EXTREME PROVOCATION, AS YOU KNOW. IN MY TELEGRAM OF JUNE 12 I ADVISED YOU OF THE SCHEDULE OF THE WITHDRAWAL OF MY SPECIAL LAW ENFORCEMENT OFFICERS FROM THE UNIVERSITY.

YOU HAVE CREATED THE SITUATION EXISTING IN TUSCALOOSA, ALABAMA.
YOU MUST ASSUME THE RESPONSIBILITY. YOU CANNOT USURP THE POWERS
RESERVED TO THE STATE OF ALABAMA AND THEN PLACE THE BURDENS
THEREBY CREATED ON MY SHOULDERS.

YOU CALLED THE NATIONAL GUARDSMEN INTO FEDERAL SERVICE WITHOUT CONSULTING ME OR WITHOUT EVEN COMPLYING WITH THE STATUTES OF THE UNITED STATES. THEREFORE, THE DEFEDERALIZATION OF THE GUARD IS A MATTER THAT YOU WILL HAVE TO DETERMINE YOURSELF. I WILL NOT BE INTIMIDATED BY YOUR CALCULATED ATTEMPT TO PASS TO ME THE RESPONSIBILITY FOR THE DURATION OF DUTY OF THE NATIONAL GUARD

GEORGE C WALLACE GOVERNOR STATE OF ALABAMA.